REMARKS

In the Office Action mailed March 17, 2008 the Office noted that claims 1-11 were pending and rejected claims 1-11. Claims 1-11 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-11 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claims 11 stands objected to for informalities. In particular, the Office asserts that the claim is a duplicate of claim 8.

The claim has been amended to be dependent from claim 6. The Applicants submit that the claims are now not duplicates of each other as being dependent from separate intervening claims.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-2 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hornick, U.S. Patent No. 5,255,184. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicant has amended claim 1 to aid in its examination. Support for the amendment may be found. For

example, in claim 1 as originally filed, and claim 2 as originally filed. The Applicant submits that no new matter may have been added by the amendment of claim 1.

Hornick discusses an itinerary as a group of legs (it may be a single leg) between an origin and a destination. Each itinerary comprises fare classes. A booking limit is assigned to each fare class for a given itinerary. Booking limits are not static and this confers the airline the ability to maximize its revenue. For example, if the demand is high for an itinerary/class pair having high revenue yield, then the booking limits for this pair will be increased and the booking limits of less profitable pairs will be reduced. See Hornick col. 5, lines 2-8, wherein it states "The seat inventory control system 5 processes the flight network database 6 to assign seats in a particular flight leg to one or more itinerary/fare class combination."

Thus, Hornick discusses booking limits are determined in consideration only the seats of each particular flight leg. Not, "a predefined level of expected revenue (Y), a number of seats locally available $av_{Fik}(Y)$ is determined for a given class of service (k) on a given transport service (F_i), wherein at least one other class of service (k') of another transport service (F_j) is selected," as in amended claim 1.

Further, Hornick discusses at col. 6 lines 49-52 " … the constraint that the total number of seats authorized for

10

sale on each flight leg is exactly equal to the capacity of that leg Ca...."

Thus, in Hornick each flight leg is a separate entity in the perspective of determining the available seats. This is opposite to the present claims wherein the overall number of available seats for a flight class pair is a function of availabilities provided by a plurality of flights. Therefore, Hornick does not disclose "for the given class of service (k) on the given transport service (F_i), an overall number of available seats $XFAV_{Fjk}(Y)$ is determined at the predefined level of expected revenue (Y) as a function of the different number of seats available locally ($av_{Fik}(Y)$, $av_{Fjk'}(Y)$)," as in amended claim 1.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Hornick.

As regards claim 2, on page 3 of the Office Action, it is asserted that Hornick, col. 6, line 48-56 and col. 7, lines 1-45 disclose "the overall number of available seats $XFAV_{Fik}(Y)$ is determined by adding up the numbers of seats available locally ($av_{Fik}(Y)$, $av_{Fjk'}(Y)$) of the two classes of service (k, k')."

However, Hornick, col. 6, lines 48 and 49 state "[b]ooking limits S^i_p must be set for fare class i on itinerary p so as to maximize total system revenue." As fare class I is

11

a single class of fares, Hornick does not disclose "numbers of seats available locally ($av_{Fik}(Y)$, $av_{Fjk'}(Y)$) of the two classes of service (k, k')."

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hornick in view of Talluri, U.S. Patent No. 6,263,315. The Applicants respectfully disagree and traverse the rejection with an argument.

Talluri discusses bid prices as a method to accept or reject reservation requests according to pre-set values As discussed in Talluri booking limits are adjusted to the capacity conditions of the leg considered as an unique and separate entity (no calculation is linked to other legs). See Talluri col. 2, lines 36-48.

Thus, Talluri adds nothing to the deficiencies of Hornick as applied to the independent claim. Therefore, for at least the reasons discussed above, Hornick and Talluri, taken separately or in combination, fail to render obvious the features of claim 3-9 and 11.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-11 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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13